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North Carolina Department of Environment and Natural Resources

Michael F. Easley, Governor

William G. Ross Jr., Secretary

DIVISION OF WASTE MANAGEMENT
SOLID WASTE SECTION

September 7, 2001

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Z 372 690 733

Mr. Kenneth Westmoreland, Jackson County Manager
Jackson County Justice Center
401 Grindstaff Cove Road
Sylva, NC 28779

RE: Notice of Violation
Jackson County Landfill, Permit No. 50-02
Jackson County, **Facility**

Dear Mr. Westmoreland:

Pursuant to North Carolina General Statute §130A-22(a) and 15A North Carolina Administrative Code 13B, I conducted an inspection on August 10, 2001, of the Jackson County MSW Landfill, Permit No. 50-02, located on U.S. 441 near Dillsboro, Jackson County. The inspection found the Jackson County MSW Landfill to be in violation of certain requirements contained in the North Carolina Solid Waste Management Rules, codified at 15A North Carolina Administrative Code 13B, specifically:

(1) 15A North Carolina Administrative Code 13B .1626(4)(c)(iii) states that if methane gas limits exceed the limits specified in (4)(a) [the lower explosive limit for methane at the facility property boundary], the owner or operator must within 60 days of detection implement a remediation plan for methane gas releases, place a copy of the plan in the operating record, and notify the Division that the plan has been implemented. The plan shall describe the nature and extent of the problem and the proposed remedy. The Jackson County MSW Landfill is operating in violation of this rule in that that the above requirements have not been initiated.

(2) 15A North Carolina Administrative Code 13B .1626(7)(b) states that adequate erosion control measures shall be utilized to prevent excessive on-site erosion. The Jackson County MSW Landfill was operating in violation of this rule in that evidence of excessive on-site erosion was observed during the inspection.

(3) 15A North Carolina Administrative Code 13B .1626(7)(c) states that provisions for vegetative ground cover sufficient to restrain erosion need to be accomplished within 30 working days or 120 calendar days upon completion of any phase of MSWLF development. The Jackson County MSW Landfill was operating in violation of this rule in that several areas lacking vegetation were observed during the inspection.

Based on the foregoing, Jackson County is hereby ordered to take the following actions by September 28, 2001, to correct all violations as stated in this Notice of Violation and otherwise be in compliance with the North Carolina Solid Waste Management Rules, codified at 15A North Carolina Administrative Code 13B and other applicable General Statutes:

(1) Comply with 15A North Carolina Administrative Code 13B .1626(4)(c)(iii) by implementing a remediation plan for methane gas releases, placing a copy of the plan in the operating record, and notifying the Division that the plan has been implemented. The plan shall describe the nature and extent of the problem and the proposed remedy.

(2) Comply with 15A North Carolina Administrative Code 13B .1626(7)(b) by repairing on-site erosion.

(3) Comply with 15A North Carolina Administrative Code 13B .1626(7)(c) by seeding all areas lacking vegetation.

If the requirements above are not met on a continuing basis, enforcement action may be taken. Remedies include assessment of administrative penalties of up to $5,000.00 per day per violation dating from the compliance date in this Notice of Violation and/or injunctive relief, pursuant to North Carolina General Statute §130A-18 or General Statute §130A-22.

If you have any questions, please call me at 828-251-6784, extension 347.

Sincerely,

James E. Patterson
Waste Management Specialist

JEP:sb

Brent Rocket
Phil Prete
Mark Pointdexter
Heather Leclair